

Docket No.: 1261-0156PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroyuki OSADA et al.

Application No.: 10/516,743

Confirmation No.: 6909

Filed: May 26, 2005

Art Unit: 1626

For: NOVEL COMPOUND HAVING ANTITUMOR
ACTIVITY AND PROCESS FOR PRODUCING
THE SAME

Examiner: S. L. Chung

REQUEST FOR REFUND

(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of 04-2008 for the above-identified

application patent

A copy of the monthly statement in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	<u>AMOUNT OF REFUND REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
 and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input checked="" type="checkbox"/> extension of term	
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input checked="" type="checkbox"/> fourth month	<u>1460.00</u>
<input type="checkbox"/> excess claims	_____
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

patent maintenance fee _____

first maintenance fee _____

second maintenance fee _____

third maintenance fee _____

patent maintenance fee surcharge _____

Other: _____

TOTAL REFUND REQUESTED 1460.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The application was improperly held in a clerical processing step after a second Amendment was filed on October 10, 2007 and the clerk did not timely authorize the release of the application to the Examiner. The application was improperly kept off the Examiner's docket and the applicant paid the extension of time fees on April 10, 2008 to keep the application on the docket.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: April 9, 2008

Respectfully submitted,

By Mark J. Nuell
Mark J. Nuell
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant

Attachment(s)